

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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United States of America,

Case No. 2:21-cr-00026-GMN-BNW

Plaintiff,

ORDER re ECF No. 82

V.

George Washington Sims, III,
Defendant.

Presently before the Court is the Government's motion to compel reciprocal discovery or, in the alternative, to exclude evidence not produced. ECF No. 82. The Defendant, Mr. Sims, responded. ECF No. 152. The Government did not file a reply.

14 The Government explains that it has repeatedly requested discovery to which it is entitled
15 but, to date, has not received any. This includes discovery under Fed. R. Crim. P. 12.1–12.3, 16,
16 and 26.2. The Government takes the position that, while the defense need not produce
17 impeachment discovery, it is entitled to discovery that the defense will use during cross-
18 examination.

19 Mr. Sims argues that the Government's motion is moot and/or premature but does not
20 explain how or why. In addition, he responds that he will comply (but does not provide a specific
21 date). Lastly, Mr. Sims does not take a contrary view regarding the scope of discovery to which
22 the Government is entitled.

23 Trial in this matter is set for April 25, 2022. The Court will order Mr. Sims to disclose the
24 requested information no later than 60 days before trial. If there is a specific reason that Mr. Sims
25 will not be able to comply with this Order, he must bring this to the Court's attention within two
26 weeks of this Order.

27 As to the alternative request, the Court agrees with the Government's position and would
28 recommend that approach to the District Judge. Nevertheless, ultimately this is a decision that the

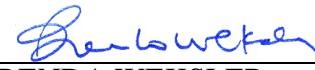
1 District Judge must make based on the positions the parties take (and explanations they provide)
2 in the event Mr. Sims does not comply with this Order.

3 **IT IS THEREFORE ORDERED** that the Government's motion to compel reciprocal
4 discovery or, in the alternative, to exclude evidence not produced (ECF No. 82) is GRANTED IN
5 PART AND DENIED IN PART.

6 It is GRANTED with regard to the request for discovery. Mr. Sims must disclose the
7 requested information no later than 60 days before trial.

8 It is DENIED as to the alternative request so that the District Judge can make the
9 appropriate determination in the event Ms. Sims does not comply with his discovery obligations.
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11 DATED: October 25, 2021.

12 
13 BRENDAG WEKSLER
14 UNITED STATES MAGISTRATE JUDGE
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